

Remarks

Claims 1-8 were the subject of the office action dated May 4, 2006. Claims 9 and 10 are added by this response. Thus, claims 1-10 are now before the examiner for reconsideration.

The claims now refer to SEQ ID NOS: instead of Tables. The Tables have been replaced with Figures 2A-D and 3A-D, which are attached hereto. The sequences in Figures 2A-D and 3A-D are identified with SEQ ID NOS.

Written Description

Claims 1-2, 4, 6-7, and 8 stand rejected under 35 USC §112, first paragraph, as lacking a description adequate in the specification to convey that the applicants had possession of the invention. It is stated in the office action that the claims refer to unspecified hybridization conditions. The claims now specify hybridization conditions.

The fourth paragraph of Example 1 cites Franssen *et al.* (1987) as providing probe/filter hybridization procedures. The full citation for this reference is provided in the first paragraph on page 6 of the specification as filed. A copy of this reference is enclosed. The paragraph bridging the first and second pages of that reference (pages 4495-96), entitled "Differential Screening of the cDNA Library," provides the hybridization conditions now specified in the claims. New claim 10 adds the second (even more stringent) wash step specified in that text.

Furthermore, claim 1 now specifies nucleotides 520-1565 of SEQ ID NO:1 (the DNA of Table 1) and nucleotides 1320-2365 of SEQ ID NO:4 (the DNA of Table 2). Claim 9 specifies nucleotides 1050-1565 of SEQ ID NO:1 and nucleotides 1850-2365 of SEQ ID NO:4. Support can be found throughout the specification.

In light of the foregoing, this rejection should be rendered moot.

Enablement

Claims 1-8 stand rejected under 35 USC §112, first paragraph, as lacking enablement. As discussed above, it is stated in the office action that the claims refer to unspecified hybridization conditions. The claims now specify hybridization conditions. Furthermore, claim 1 now specifies nucleotides 520-1565 of SEQ ID NO:1 (the DNA of Table 1) and nucleotides 1320-2365 of SEQ ID NO:4 (the DNA of Table 2). Claim 9 specifies nucleotides 1050-1565 of SEQ ID NO:1 and nucleotides 1850-2365 of SEQ ID NO:4. New claim 10 adds the second (even more stringent) wash step specified in the Franssen text.

The office action also indicated that evidence of successful soybean transformation and regeneration as of July 1988 was not found. Attached is a Christou *et al.* reference, and a printout of the relevant website showing that that issue of that journal was published in July 1988 (if not sooner). The last sentence of the abstract of that reference states that those results show that “particle acceleration can be used for the introduction of foreign DNA into the soybean genome and indicate the technique may be useful in the recovery of engineered plants by transformation of regenerable tissues.”

In light of the foregoing, this rejection should be rendered moot.

Definiteness

Additional method steps are added to claim 1; claim 7 is amended according. Basis for these steps can be found in paragraph 23, for example, of the specification published as 20040172676.

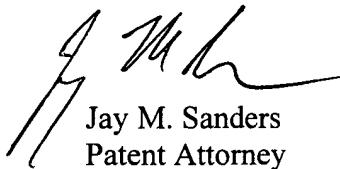
Regarding claim 4, attached is a sequence alignment of residues 1050-1565 of SEQ ID NO:1 and 1850-2365 of SEQ ID NO:4. The common sequence is indicated and is clearly discernible based on the specification as filed.

The applicants believe that this application is in condition for allowance, and such action is earnestly solicited.

The Assistant Commissioner is hereby authorized to charge any fees under 37 CFR §§1.16 and 1.17 as required by this paper to Deposit Account 19-0065.

The applicants invite the Examiner to call the undersigned if clarification is needed on any of this response, or if the Examiner believes a telephonic interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,



Jay M. Sanders
Patent Attorney
Registration No. 39,355
Phone No.: 352-375-8100
Fax No.: 352-372-5800
Address: P.O. Box 142950
Gainesville, FL 32614-2950

JMS/ehm

Attachments: Figures 2A-D and 3A-D

Franssen *et al.* (1987)

Christou *et al.* reference

Printout of relevant website regarding Christou *et al.* reference

Sequence alignment

Petition and fee for extension of time